

RECEIVED  
CENTRAL FAX CENTER

FEB 02 2006

PATENT

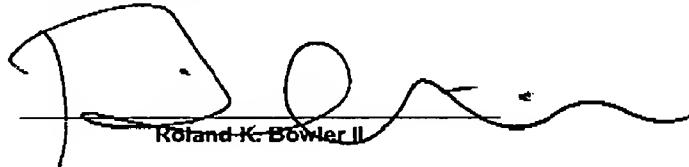
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF CONFIDENTIALITY

The information in this transmission is confidential and may be privileged and exempt from disclosure under applicable law. Dissemination, reproduction or any other use of this information by any person or entity other than the named recipient is strictly prohibited and is a violation of law. If the information in this transmission is erroneously transmitted to or received by any person or entity other than the named recipient, please contact the undersigned immediately by collect telephone call to arrange for return of the information at no cost to you.

Certificate of Facsimile Under 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via facsimile to 571-273-8300 on 2 FEBRUARY 2006 addressed to: ASSISTANT COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313.

  
\_\_\_\_\_  
Roland K. Bowler, II

In re Applicant:	)	
	)	Examiner R. Perez Gutierrez
HAYEK ET AL.	)	
	)	Art Unit 2683
Appl. No.:	09/998,489	)
	)	
Confirm No.	6375	)
	)	
Filed:	30 November 2001	)
		Atty. Docket No. CS11336
Title:	"RF Receivers And Methods"	

TRANSMITTAL UNDER 37 CFR 1.181

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

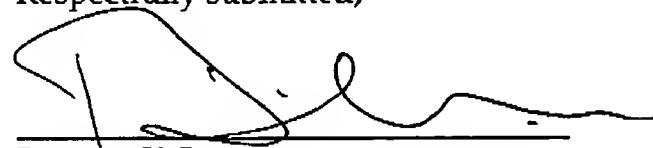
HAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

The following is enclosed:

[ X ] Petition under 37 CFR 1.181 (7 page);  
[ X ] Fee Calculation Sheet (DUPLICATE).

Respectfully submitted,

  
ROLAND K. BOWLER II 2 FEBRUARY 2006  
REG. NO. 33,477

TELEPHONE NO. (847) 523-3978  
FACSIMILE NO. (847) 523-2350

MOTOROLA, INC.  
INTELLECTUAL PROPERTY DEPT. (RKB)  
600 NORTH U.S. HIGHWAY 45, AN475  
LIBERTYVILLE, ILLINOIS 60048

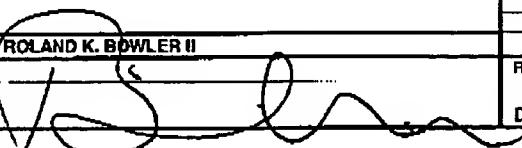
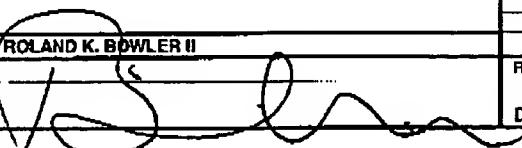
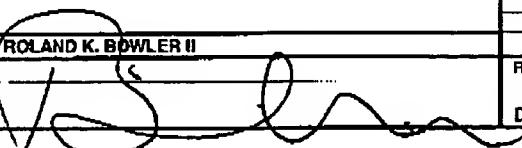
RECEIVED  
CENTRAL FAX CENTER

FEB 02 2006

<b>FEE TRANSMITTAL</b> <small>Patent fees are subject to annual revision</small>					<b>Complete If Known</b>																																																																																																																						
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					Application Number <b>09/998,489</b> Filing Date <b>30 November 2001</b> First Named Inventor <b>HAYEK ET AL.</b> Examiner Name <b>Perez-Gutierrez</b> Group Art Unit <b>2686</b> Attorney Docket No. <b>CS11336</b>																																																																																																																						
<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$ 130.00)</b>					<b>FEE CALCULATION (continued)</b>																																																																																																																						
<b>METHOD OF PAYMENT (check all that apply)</b>					<b>4. ADDITIONAL FEES</b>																																																																																																																						
Check      Credit card      Money Order      Other      None					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td></tr> <tr><td>1053</td><td>130</td><td>2053</td><td>130</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>820*</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td></tr> <tr><td>1254</td><td>1590</td><td>2254</td><td>795</td></tr> <tr><td>1255</td><td>2160</td><td>2255</td><td>1080</td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td></tr> <tr><td>1459</td><td>1500</td><td>2453</td><td>750</td></tr> <tr><td>1501</td><td>1400</td><td>2501</td><td>700</td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td></tr> <tr><td>1503</td><td>1100</td><td>2503</td><td>550</td></tr> <tr><td>1480</td><td>130</td><td>1480</td><td>130</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td></tr> <tr><td>1801</td><td>700</td><td>2801</td><td>395</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td></tr> </tbody> </table>	Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	1052	50	2052	25	1053	130	2053	130	1812	2520	1812	2520	1804	920*	1804	820*	1805	1840*	1805	1840*	1251	120	2251	60	1252	450	2252	225	1253	1020	2253	510	1254	1590	2254	795	1255	2160	2255	1080	1401	500	2401	250	1402	500	2402	250	1403	1000	2403	500	1451	1510	1451	1510	1452	500	2452	250	1459	1500	2453	750	1501	1400	2501	700	1502	800	2502	400	1503	1100	2503	550	1480	130	1480	130	1807	50	1807	50	1808	180	1808	180	8021	40	8021	40	1809	790	2809	395	1810	790	2810	395	1801	700	2801	395	1802	900	1802	900
Large Entity	Small Entity																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																								
1051	130	2051	65																																																																																																																								
1052	50	2052	25																																																																																																																								
1053	130	2053	130																																																																																																																								
1812	2520	1812	2520																																																																																																																								
1804	920*	1804	820*																																																																																																																								
1805	1840*	1805	1840*																																																																																																																								
1251	120	2251	60																																																																																																																								
1252	450	2252	225																																																																																																																								
1253	1020	2253	510																																																																																																																								
1254	1590	2254	795																																																																																																																								
1255	2160	2255	1080																																																																																																																								
1401	500	2401	250																																																																																																																								
1402	500	2402	250																																																																																																																								
1403	1000	2403	500																																																																																																																								
1451	1510	1451	1510																																																																																																																								
1452	500	2452	250																																																																																																																								
1459	1500	2453	750																																																																																																																								
1501	1400	2501	700																																																																																																																								
1502	800	2502	400																																																																																																																								
1503	1100	2503	550																																																																																																																								
1480	130	1480	130																																																																																																																								
1807	50	1807	50																																																																																																																								
1808	180	1808	180																																																																																																																								
8021	40	8021	40																																																																																																																								
1809	790	2809	395																																																																																																																								
1810	790	2810	395																																																																																																																								
1801	700	2801	395																																																																																																																								
1802	900	1802	900																																																																																																																								
<b>FEE CALCULATION</b>					<b>Fee Description</b>																																																																																																																						
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">FILING FEES</th> <th style="text-align: left;">SEARCH FEES</th> <th style="text-align: left;">EXAMINATION FEES</th> </tr> <tr> <th>Large Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Large Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Large Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Paid (\$)</th> </tr> </thead> <tbody> <tr><td>300</td><td>150</td><td>500</td><td>250</td><td>200</td><td>100</td><td></td></tr> <tr><td>200</td><td>100</td><td>100</td><td>50</td><td>130</td><td>65</td><td></td></tr> <tr><td>200</td><td>100</td><td>300</td><td>150</td><td>160</td><td>80</td><td></td></tr> <tr><td>300</td><td>150</td><td>500</td><td>250</td><td>600</td><td>300</td><td></td></tr> <tr><td>200</td><td>100</td><td>0</td><td>0</td><td>0</td><td>0</td><td></td></tr> </tbody> </table>				FILING FEES	SEARCH FEES	EXAMINATION FEES	Large Fee (\$)	Small Entity Fee (\$)	Large Fee (\$)	Small Entity Fee (\$)	Large Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)	300	150	500	250	200	100		200	100	100	50	130	65		200	100	300	150	160	80		300	150	500	250	600	300		200	100	0	0	0	0																																																																							
FILING FEES	SEARCH FEES	EXAMINATION FEES																																																																																																																									
Large Fee (\$)	Small Entity Fee (\$)	Large Fee (\$)	Small Entity Fee (\$)	Large Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)																																																																																																																					
300	150	500	250	200	100																																																																																																																						
200	100	100	50	130	65																																																																																																																						
200	100	300	150	160	80																																																																																																																						
300	150	500	250	600	300																																																																																																																						
200	100	0	0	0	0																																																																																																																						
<b>2. EXTRA CLAIM FEES</b> <small>Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent    Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent    Multiple Dependent Claims</small>					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Total Claims</th> <th style="text-align: left;">Extra Claims</th> <th style="text-align: left;">Fee (\$)</th> <th style="text-align: left;">Fee Paid (\$)</th> <th style="text-align: left;">Multiple Dependent Claims</th> <th style="text-align: left;">Fee (\$)</th> <th style="text-align: left;">Fee Paid (\$)</th> </tr> </thead> <tbody> <tr><td>- 20 or HP =</td><td>x 50</td><td>=</td><td></td><td></td><td></td><td></td></tr> <tr><td>HP = highest number of total claims paid for, if greater than 3</td><td></td><td></td><td></td><td>300</td><td></td><td></td></tr> <tr><td>Indep. Claims</td><td>Extra Claims</td><td>Fee (\$)</td><td>Fee Paid (\$)</td><td></td><td></td><td></td></tr> <tr><td>- 3 or HP =</td><td>x</td><td>=</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)	- 20 or HP =	x 50	=					HP = highest number of total claims paid for, if greater than 3				300			Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				- 3 or HP =	x	=																																																																																				
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)																																																																																																																					
- 20 or HP =	x 50	=																																																																																																																									
HP = highest number of total claims paid for, if greater than 3				300																																																																																																																							
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)																																																																																																																								
- 3 or HP =	x	=																																																																																																																									
<b>3. APPLICATION SIZE FEE</b> <small>If the specification and drawings exceed 100 sheets of paper, the application size fee is \$250 (\$125 for small entity)    For each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.17(f).</small>					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Total Sheets</th> <th style="text-align: left;">Extra Sheets</th> <th style="text-align: left;">Number of each additional 50 or fraction thereof</th> <th style="text-align: left;">Fee (\$)</th> <th style="text-align: left;">Fee Paid (\$)</th> </tr> </thead> <tbody> <tr><td>- 100 =</td><td>/50 =</td><td>(round up to a whole number)</td><td>x 250</td><td>=</td></tr> </tbody> </table>				Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)	- 100 =	/50 =	(round up to a whole number)	x 250	=																																																																																																									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)																																																																																																																							
- 100 =	/50 =	(round up to a whole number)	x 250	=																																																																																																																							
<b>SUBMITTED BY</b> <b>ROLAND K. BOWLER II</b> <small>Name (Print/Type)</small> <small>Signature</small>					Registration No. <b>33,477</b> Telephone <b>847-523-3978</b> Date <b>2 February 2006</b>																																																																																																																						

RECEIVED  
CENTRAL FAX CENTER

FEB 02 2006

<b>FEE TRANSMITTAL</b> <small>Patent fees are subject to annual revision</small>					<b>Complete if Known</b>																																																																																																																																																																																																																																																																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					Application Number <b>09/998,489</b> Filing Date <b>30 November 2001</b> First Named Inventor <b>HAYEK ET AL.</b> Examiner Name <b>Perez-Gutierrez</b> Group Art Unit <b>2686</b> Attorney Docket No. <b>CS11336</b>																																																																																																																																																																																																																																																																											
<b>TOTAL AMOUNT OF PAYMENT</b> <b>(\$ 130.00)</b>					<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																																																																																											
<b>METHOD OF PAYMENT</b> (check all that apply)																																																																																																																																																																																																																																																																																
Check	Credit card	Money Order	Other	None	<b>4. ADDITIONAL FEES</b>																																																																																																																																																																																																																																																																											
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number <b>502117</b> Deposit Account Name <b>MOTOROLA INC.</b>  The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					<table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1031</td><td>130</td><td>2031</td><td>66</td><td></td><td></td><td>Surcharge - late filing fee or cash</td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td></td><td></td><td>Surcharge - late Provisional filing</td></tr> <tr><td>1053</td><td>120</td><td>2053</td><td>130</td><td></td><td></td><td>Non-English specification</td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td></td><td></td><td>For filing a request for ex parte Reexamination</td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td></td><td></td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td></td><td></td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td></td><td></td><td>Extension for reply within first month</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td></td><td></td><td>Extension for reply within second month</td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td></td><td></td><td>Extension for reply within third month</td></tr> <tr><td>1254</td><td>1590</td><td>2254</td><td>795</td><td></td><td></td><td>Extension for reply within fourth month</td></tr> <tr><td>1255</td><td>2160</td><td>2255</td><td>1080</td><td></td><td></td><td>Extension for reply within fifth month</td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td></td><td></td><td>Notice of Appeal</td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td></td><td></td><td>Filing a brief in support of an appeal</td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td></td><td></td><td>Request for oral hearing</td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td></td><td></td><td>Petition to institute a public use proceeding</td></tr> <tr><td>1452</td><td>500</td><td>2452</td><td>250</td><td></td><td></td><td>Petition to revive - unavoidable</td></tr> <tr><td>1453</td><td>1500</td><td>2453</td><td>750</td><td></td><td></td><td>Petition to revive - unintentional</td></tr> <tr><td>1501</td><td>1400</td><td>2501</td><td>700</td><td></td><td></td><td>Utility issue fee (or reissue)</td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td></td><td></td><td>Design issue fee</td></tr> <tr><td>1503</td><td>1100</td><td>2503</td><td>550</td><td></td><td></td><td>Plant issue fee</td></tr> <tr><td>1480</td><td>130</td><td>1480</td><td>130</td><td></td><td></td><td>Petitions to the Commissioner</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td></td><td></td><td>Processing fee under 37 CFR 1.17(g)</td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td></td><td></td><td>Submission of IDS</td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td></td><td></td><td>Recording each patent assignment per property (minus number of ex parte rejections) (37 CFR § 1.128(a))</td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td></td><td></td><td>Filing a submission after final rejection (37 CFR § 1.128(a))</td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td></td><td></td><td>For each additional invention to be examined (37 CFR § 1.128(a))</td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>905</td><td></td><td></td><td>Request for Continued Examination</td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td></td><td></td><td>Request for expedited examination of a design application</td></tr> <tr> <td colspan="5"></td> <td colspan="4"> <input type="checkbox"/> Fee Paid (\$)         </td> </tr> <tr> <td colspan="5"> <b>3. APPLICATION SIZE FEE</b>  <small>If the specification and drawings exceed 100 sheets of paper, the application size fee is \$250 (\$125 for small entity). For each additional 50 sheets or fraction thereof, See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).</small> </td> <td colspan="4"> <b>5. OTHER FEE(S) (specify)</b>  <small>Non-English Specification, \$130 fee (no small entity discount)</small> </td> </tr> <tr> <td colspan="5">         Total Sheets <input type="checkbox"/> Extra Sheets <input type="checkbox"/> Fee (\$)         </td> <td colspan="4"> <input type="checkbox"/> Fee Paid (\$)         </td> </tr> <tr> <td colspan="5">         - 100 = <input type="checkbox"/> /50 + (round up to a whole number) <input type="checkbox"/> X 250 <input type="checkbox"/> +         </td> <td colspan="4"> <input type="checkbox"/> Fee Paid (\$)         </td> </tr> <tr> <td colspan="5"> <b>SUBMITTED BY</b> <b>ROLAND K. BOWLER II</b>  <small>Name (Print/Type)</small> </td> <td colspan="4">         Registration No. <b>33,477</b> Telephone <b>847-523-3978</b> </td> </tr> <tr> <td colspan="5">  </td> <td colspan="4">         Date <b>2 February 2006</b> </td> </tr> </tbody></table>						Large Entity		Small Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	1031	130	2031	66			Surcharge - late filing fee or cash	1052	50	2052	25			Surcharge - late Provisional filing	1053	120	2053	130			Non-English specification	1812	2520	1812	2520			For filing a request for ex parte Reexamination	1804	920*	1804	920*			Requesting publication of SIR prior to Examiner action	1805	1840*	1805	1840*			Requesting publication of SIR after Examiner action	1251	120	2251	60			Extension for reply within first month	1252	450	2252	225			Extension for reply within second month	1253	1020	2253	510			Extension for reply within third month	1254	1590	2254	795			Extension for reply within fourth month	1255	2160	2255	1080			Extension for reply within fifth month	1401	500	2401	250			Notice of Appeal	1402	500	2402	250			Filing a brief in support of an appeal	1403	1000	2403	500			Request for oral hearing	1451	1510	1451	1510			Petition to institute a public use proceeding	1452	500	2452	250			Petition to revive - unavoidable	1453	1500	2453	750			Petition to revive - unintentional	1501	1400	2501	700			Utility issue fee (or reissue)	1502	800	2502	400			Design issue fee	1503	1100	2503	550			Plant issue fee	1480	130	1480	130			Petitions to the Commissioner	1807	50	1807	50			Processing fee under 37 CFR 1.17(g)	1806	180	1806	180			Submission of IDS	8021	40	8021	40			Recording each patent assignment per property (minus number of ex parte rejections) (37 CFR § 1.128(a))	1809	790	2809	395			Filing a submission after final rejection (37 CFR § 1.128(a))	1810	790	2810	395			For each additional invention to be examined (37 CFR § 1.128(a))	1801	790	2801	905			Request for Continued Examination	1802	900	1802	900			Request for expedited examination of a design application						<input type="checkbox"/> Fee Paid (\$)				<b>3. APPLICATION SIZE FEE</b> <small>If the specification and drawings exceed 100 sheets of paper, the application size fee is \$250 (\$125 for small entity). For each additional 50 sheets or fraction thereof, See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).</small>					<b>5. OTHER FEE(S) (specify)</b> <small>Non-English Specification, \$130 fee (no small entity discount)</small>				Total Sheets <input type="checkbox"/> Extra Sheets <input type="checkbox"/> Fee (\$)					<input type="checkbox"/> Fee Paid (\$)				- 100 = <input type="checkbox"/> /50 + (round up to a whole number) <input type="checkbox"/> X 250 <input type="checkbox"/> +					<input type="checkbox"/> Fee Paid (\$)				<b>SUBMITTED BY</b> <b>ROLAND K. BOWLER II</b> <small>Name (Print/Type)</small>					Registration No. <b>33,477</b> Telephone <b>847-523-3978</b>									Date <b>2 February 2006</b>			
		Large Entity		Small Entity																																																																																																																																																																																																																																																																												
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description																																																																																																																																																																																																																																																																										
1031	130	2031	66			Surcharge - late filing fee or cash																																																																																																																																																																																																																																																																										
1052	50	2052	25			Surcharge - late Provisional filing																																																																																																																																																																																																																																																																										
1053	120	2053	130			Non-English specification																																																																																																																																																																																																																																																																										
1812	2520	1812	2520			For filing a request for ex parte Reexamination																																																																																																																																																																																																																																																																										
1804	920*	1804	920*			Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																										
1805	1840*	1805	1840*			Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																										
1251	120	2251	60			Extension for reply within first month																																																																																																																																																																																																																																																																										
1252	450	2252	225			Extension for reply within second month																																																																																																																																																																																																																																																																										
1253	1020	2253	510			Extension for reply within third month																																																																																																																																																																																																																																																																										
1254	1590	2254	795			Extension for reply within fourth month																																																																																																																																																																																																																																																																										
1255	2160	2255	1080			Extension for reply within fifth month																																																																																																																																																																																																																																																																										
1401	500	2401	250			Notice of Appeal																																																																																																																																																																																																																																																																										
1402	500	2402	250			Filing a brief in support of an appeal																																																																																																																																																																																																																																																																										
1403	1000	2403	500			Request for oral hearing																																																																																																																																																																																																																																																																										
1451	1510	1451	1510			Petition to institute a public use proceeding																																																																																																																																																																																																																																																																										
1452	500	2452	250			Petition to revive - unavoidable																																																																																																																																																																																																																																																																										
1453	1500	2453	750			Petition to revive - unintentional																																																																																																																																																																																																																																																																										
1501	1400	2501	700			Utility issue fee (or reissue)																																																																																																																																																																																																																																																																										
1502	800	2502	400			Design issue fee																																																																																																																																																																																																																																																																										
1503	1100	2503	550			Plant issue fee																																																																																																																																																																																																																																																																										
1480	130	1480	130			Petitions to the Commissioner																																																																																																																																																																																																																																																																										
1807	50	1807	50			Processing fee under 37 CFR 1.17(g)																																																																																																																																																																																																																																																																										
1806	180	1806	180			Submission of IDS																																																																																																																																																																																																																																																																										
8021	40	8021	40			Recording each patent assignment per property (minus number of ex parte rejections) (37 CFR § 1.128(a))																																																																																																																																																																																																																																																																										
1809	790	2809	395			Filing a submission after final rejection (37 CFR § 1.128(a))																																																																																																																																																																																																																																																																										
1810	790	2810	395			For each additional invention to be examined (37 CFR § 1.128(a))																																																																																																																																																																																																																																																																										
1801	790	2801	905			Request for Continued Examination																																																																																																																																																																																																																																																																										
1802	900	1802	900			Request for expedited examination of a design application																																																																																																																																																																																																																																																																										
					<input type="checkbox"/> Fee Paid (\$)																																																																																																																																																																																																																																																																											
<b>3. APPLICATION SIZE FEE</b> <small>If the specification and drawings exceed 100 sheets of paper, the application size fee is \$250 (\$125 for small entity). For each additional 50 sheets or fraction thereof, See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).</small>					<b>5. OTHER FEE(S) (specify)</b> <small>Non-English Specification, \$130 fee (no small entity discount)</small>																																																																																																																																																																																																																																																																											
Total Sheets <input type="checkbox"/> Extra Sheets <input type="checkbox"/> Fee (\$)					<input type="checkbox"/> Fee Paid (\$)																																																																																																																																																																																																																																																																											
- 100 = <input type="checkbox"/> /50 + (round up to a whole number) <input type="checkbox"/> X 250 <input type="checkbox"/> +					<input type="checkbox"/> Fee Paid (\$)																																																																																																																																																																																																																																																																											
<b>SUBMITTED BY</b> <b>ROLAND K. BOWLER II</b> <small>Name (Print/Type)</small>					Registration No. <b>33,477</b> Telephone <b>847-523-3978</b>																																																																																																																																																																																																																																																																											
					Date <b>2 February 2006</b>																																																																																																																																																																																																																																																																											

RECEIVED  
CENTRAL FAX CENTER

FEB 02 2006

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of )  
 ) Examiner R. Perez Gutierrez  
 HAYEK ET AL. )  
 ) Art Unit 2683  
 Appl. No.: 09/998,489 )  
 )  
 Confrm. No. 6375 )  
 )  
 Filed: 30 November 2001 ) Atty. Docket No. CS11336  
 Title: "RF Receivers And Methods"

**PETITION UNDER 37 C.F.R. § 181**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Jurisdiction**

The Commissioner has jurisdiction to consider the issues discussed below under 37 CFR 1.181.

**Issue**

At issue is whether Applicants' response filed on 7 February 2005 under 37 CFR 1.111 should be entered and prosecution re-opened, and more particularly whether the Examiner's Answer of 10 January 2005 stated a new grounds for rejection under 37 CFR 41.39 where the Examiner first cited a new prior art reference, to support Official Notice allegedly asserted previously.

09998489

02/06/2006 WABDELR1 000000067 502117  
01 FC:1464 130.00 DA

HAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

The more narrow issue is whether the Examiner took Official Notice prior to the Answering Applicants' Brief.

### Overview of Procedural History

On 18 August 2004, Applicants' filed a Notice of Appeal and an Appeal Brief seeking redress for the Examiner's final rejection of claims in the Office Action mailed on 18 May 2004.

On 7 February 2005, Applicants filed a response under 37 CFR 1.111 requesting that prosecution be re-opened in light of the new grounds of rejection stated in the Examiner's Answer mailed on 10 January 2005.

On 27 July 2005, the Board of Appeals remanded the application to the Examiner for consideration of Applicant's amendment filed on 7 February 2005.

On 13 January 2006, the Examiner mailed an Advisory action indicating a refusal to enter Applicants' 37 CFR 1.111 response filed on 7 January 2005.

In subsequent telephone inquiries, made by the undersigned representative, the Examiner's Supervisor, Marsha Banks-Harold, refused to discuss the propriety of the Examiner's asserted official notice and indicated that prosecution would not be re-opened.

Applicants' now petition the Commissioner for relief.

IIAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

**Summary of Rejection in Examiner's Answer Asserted By Applicants to Raise New Grounds of Rejection of Claim 11, 13, 14, 18 & 24**

In the Answer of 10 January 2005, Claims 11, 13, 14, 18 and 24 were rejected under 35 USC 103(a) as being unpatentable over U.S. Publication No. 2001/0039182 (Atkinson) in view of Mouly et al.

Mouly was first cited by the Examiner in the Answer to Applicants' Brief. The Examiner asserted, in the Answer, on page 3, section (10), as follows:

*... Note: In response to Appellant's challenge to the Official Notice rejection of Claims 11 and 22, the added reference of Mouly et al. is proceeded as evidence to support the rejection. [emphasis original]*

**Official Notice; Patent Office Procedure**

The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support a conclusion of common knowledge. The Examiner must also present Applicant with the explicit basis on which the examiner regards the matter as subject to official notice so that Applicants may challenge the assertion in the next reply after the Office action in which the common knowledge statement was made. MPEP 2144.03(B), Procedure for Relying on Common Knowledge Or Taking Official Notice.

**Discussion Of Prosecution History Supporting Applicants' Assertion That Official Notice Was Not Taken**

**Discussion of 1<sup>st</sup> Office Action**

HAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

In the first non-final Office action mailed on 13 March 2003, Claim 11 was rejected under 35 USC 102(e) as being anticipated by U.S. Publication No. 2001/0039182 (Atkinson). Claim 13, 14 and 18 were rejected under 35 USC 103(a) as being unpatentable over Atkinson. In this regard, the Examiner admitted no deficiency of Atkinson relative to Claims 13, 14 and 18, though the Examiner concluded it would have been obvious to modify the teachings of Atkinson to meet certain limitations of the Claims. The Examiner did not discuss the rejection of Claim 24.

The Examiner thus failed to take Official Notice of any well known fact or common knowledge as required by MPEP 2144.03 or in a manner that would reasonably apprise Applicants' that the Examiner had taken Official Notice in the first non-final Office action of 13 March 2003.

#### Discussion of 2<sup>nd</sup> Office Action

In the second non-final Office action mailed on 25 September 2003, Claims 11, 13, 14, 18 and 24 were rejected under 35 USC 103(a) as being unpatentable over Atkinson. Regarding Claim 11, the Examiner stated, at page 4 of the Office action mailed on 25 September 2003, that

[a]lthough Atkinson does not specifically disclose that the frequency F3 is also outside a bandwidth of received signal harmonics, it would have been obvious ... to use a frequency F3 that is outside the bandwidth of received signal harmonics in order to further minimize any effect in VCO 38 from a potential coupling of the received signal [citations omitted].

Regarding Claims 13, 14, 18 and 24, without admitted any further deficiency of Atkinson, the Examiner stated at page 4 of the Office action mailed on 25 September 2003, that

HAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

... it would have been obvious ... to modify the teachings of Atkinson to specifically select a frequency divide ratio greater or equal to one that would have maintained the local oscillator frequency outside the bandwidth of harmonics or fundamental frequency of the received signal in order to prevent leakage of the local oscillator frequency.

The Examiner has thus failed to take Official Notice of any well known fact or common knowledge as required by MPEP 2144.03 or in a manner that would reasonably apprise Applicants' that Official Notice had been relied upon in the second Office action mailed on 25 September 2003.

#### Discussion of 3<sup>rd</sup> Office Action

In the third Office action, made final, mailed on 18 May 2004, Claims 11, 13, 14, 18 and 24 were rejected under 35 USC 103(a) as being unpatentable over Atkinson. Regarding Claim 11, the Examiner repeated the rejected stated in the Office action mailed on 25 September 2003.

Regarding Claims 13, 14, 18 and 24, without admitted any further deficiency of Atkinson, the Examiner stated, at page 4 of the Office action mailed on 18 May 2004, that

...although Atkinson does not specifically discloses [sic] that the frequency divide ratio is greater or equal to one, Atkinson does disclose that the frequency divide ratio can be selected such that the received signal is mixed at a local oscillator frequency outside a bandwidth of a fundamental frequency of the received signal (e.g., outside a channel bandwidth) or local oscillator frequency derived from a VCO frequency that is outside a bandwidth of the nth harmonic of the received signal [citations omitted].

Therefore, it would have been obvious ... to modify the teachings of Atkinson to specifically select a frequency divide ratio greater or equal to one that would have maintained the local oscillator frequency outside the bandwidth of harmonics or fundamental frequency of the received signal in order to prevent leakage of the local oscillator frequency.

IIAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

The Examiner did not discuss the rejection of Claim 24 in the Office action of 18 May 2004.

The Examiner has thus failed to take Official Notice of any well known fact or common knowledge as required by MPEP 2144.03 or in a manner that would reasonably apprise Applicants' that Official Notice had been relied upon in the first non-final Office action mailed on 18 May 2004.

### Analysis & Conclusion

The Examiner's rejections of Claims 11, 13, 14, 18 and 24 for obviousness under 35 USC 103(a) are based on mere conclusions. The official record in the instant application is devoid of any evidence or indication that the Examiner has taken Official Notice of any well known fact or common knowledge prior to the Examiner's Answer. The Examiner has failed to provide specific factual findings predicated on sound technical and scientific reasoning to support the conclusion of common knowledge and failed to present Applicant with an explicit basis on which the Examiner regards the matter as subject to official notice so that the Applicants may challenge the assertion in the next reply after the Office action in which the common knowledge statement was made, as required under MPEP 2144.03(B).

The Examiner's refusal to enter Applicants' amendment filed on 7 February 2005 and to re-open prosecution where Applicants' were first apprised of the Examiner's reliance on Official Notice upon receiving the Examiner's Answer is also a denial of due process.

The Examiner's citation of the new reference (Mouly) in support of the rejections of Claims 11, 13, 14, 18 and 24 in the Answer of 10 January

HAYEK ET AL.  
"RF Receivers And Methods"  
Atty. Docket No. CS11336

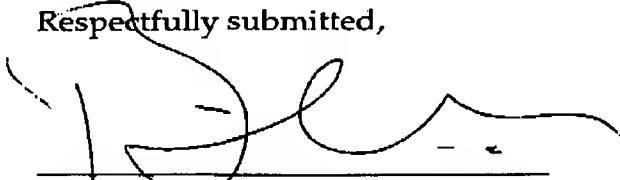
Appl. No. 09/998,489  
Examiner R. Perez Gutierrez  
Art Unit 2683

2005 therefore states new grounds for rejection. Applicants' amendment under 37 CFR 1.111 filed on 7 February 2005 must be entered and prosecution must be re-opened as requested by Applicants under 37 CFR 41.39.

**Prayer for Relief**

Kindly remand the instant application to the Examiner with instructions to enter the amendment filed on 7 February 2005 and to re-open prosecution.

Respectfully submitted,



ROLAND K. BOWLER II  
REG. NO. 33,477

2 FEB. 2006

TELEPHONE NO. (847) 523-3978  
FACSIMILE NO. (847) 523-2350

MOTOROLA, INC.  
INTELLECTUAL PROPERTY DEPT. (RKB)  
600 NORTH U.S. HIGHWAY 45, AN475  
LIBERTYVILLE, ILLINOIS 60048